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KENTUCKY JUSTICE CABINET

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CRIMINAL JUSTICE TRAINING

U.S. Supreme Court
2000 - 2001

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City of Indianapolis v. Edmond, 531 U.S. 32, 121 S.Ct. 447 (2000)

FACTS: Indianapolis, Indiana police directives set guidelines for roadblocks for the specific purpose of drug interdiction. Signs were posted giving notice of a narcotics checkpoint, and persons stopped at such checkpoints were advised they were being stopped briefly at a drug checkpoint and were asked to produce a driver's license and vehicle registration. Edmond and Palmer were stopped at one of the narcotics checkpoints; neither was arrested. Both filed a class action lawsuit (with themselves as representative members of the class) claiming that such stops are unreasonable under the Fourth Amendment.

ISSUE: Do roadblocks set up expressly for the purpose of narcotics interdiction violate the reasonableness of seizures under the Fourth Amendment?

HOLDING: Yes.

DISCUSSION: The Court declined to allow a roadblock that has, as its primary purpose, the uncovering of evidence of general criminal wrongdoing (in this case, narcotics interdiction). To allow such actions would remove the requirement of individualized suspicion in detaining persons. Checkpoints have previously only been recognized as

limited exceptions to the general rule of no detention without that particularized reasonable suspicion necessary. Traffic roadblocks intended to catch offenders who are an "immediate, vehicle-bound threat to life and limb," such as sobriety checkpoints, remain permissible, as they bear a "close connection to roadway safety." Roadblocks have been, and still are, effective tools for determining if a person is licensed and a vehicle registered. The Court specifically held that a DUI roadblock is also important to highway safety and thus reasonable under the Fourth Amendment. In addition, the Court also said that this does not prevent law enforcement authorities setting up an emergency roadblock to catch a fleeing criminal or to

thwart imminent danger such as a terrorist attack.

The Court also said that this decision does not prevent law enforcement officers, while conducting a lawful roadblock, from arresting a motorist for a crime unrelated to the reason for the roadblock. For example, while conducting a roadblock to check license and registration, if the officer smelled marijuana, the officer would then have appropriate cause to check the vehicle for further evidence of marijuana possession.

Illinois v. McArthur, 531 U.S. 326, 121 S.Ct. 946 (2001)

FACTS: On April 2, 1997, Tera McArthur asked two officers to accompany her to the trailer she had shared with her husband, Charles, to keep the peace while she retrieved some belongings. The two officers, Asst. Chief Love and Officer Skidis remained outside while she went inside. When she returned, she advised Love to check the trailer because she had seen drugs, and that Charles had "slid some dope underneath the couch."

Love knocked on the door and requested permission to search the trailer. Charles refused. Love then sent Skidis (with Tera) to request a search warrant. Love also told Charles that he could not reenter the trailer unless he was accompanied. While waiting for the warrant, Charles was allowed to reenter the trailer, accompanied by Love, to retrieve cigarettes and to make a telephone call. Within two hours, Skidis had returned with the warrant. Marijuana was found in the trailer, and Charles was arrested.

ISSUE: Is it lawful to deny entrance to a resident while a search warrant is being obtained?

HOLDING: Yes.

DISCUSSION: The Court analyzed the circumstances as outlined. They determined that the officers made a reasonable effort to balance their reasonable law enforcement needs with the privacy rights of Charles McArthur. They had reason to believe that McArthur was aware of their suspicions and would destroy the drugs if given the opportunity. There was no delay in seeking the warrant. The restraint on Charles McArthur was "both limited and tailored reasonably to secure law enforcement needs while protecting privacy interests."

Ferguson v. City of Charleston, 532 U.S. 67, 121 S.Ct. 1281 (2001)

FACTS: In the fall of 1988, staff members of a public hospital operated by a medical school became concerned about an increase in the use of cocaine by pregnant women patients. In response, they began drug testing, and referred patients who tested positive to abuse counseling. However, patients continued to test positive. Some months later, a nurse heard a news broadcast reporting that police in another South Carolina city were arresting pregnant cocaine abusers on child abuse. The nurse discussed it with the hospital attorney, and they then

offered the hospital's assistance in possibly prosecuting pregnant addicts. The prosecutor formed a task force, with the stated aimed of using the threat of prosecution as leverage to get women into treatment. The task force developed criteria and a detailed policy to follow.

The petitioners (including Ferguson) were ten women who were arrested as a result of this policy. They complained that the "warrantless and nonconsensual drug tests" were done for criminal investigatory purposes and were improper. The City (along with the other defendants) stated that the tests were done with consent and in addition, were justified as they were done for "special non-law-enforcement purposes." The District Court disallowed the second defense and only allowed the jury to determine if the search was done with consent, and the jury found for the defendants. The appellate court, however, found the searches reasonable under the "special needs" doctrine, not addressing the issue of consent.

ISSUE: Are searches (drug screens) done by hospitals constitutional in that they satisfy "special, non-law enforcement purposes?"

HOLDING: No

DISCUSSION: In a line of cases, the Court has recognized the doctrine of "special needs," limited exceptions to the requirement for probable cause in searches, when the governmental interest outweighs the privacy interest. The Court concluded that it can only be allowed "in exceptional circumstances" in cases "where special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable…." (quoting New Jersey v. T.L.O., 469 U.S. 325.) The Court assumed that informed consent had not been given, based upon the evidence presented, and based its decision on that assumption.

The Court concluded that there was no reasonable suspicion, let alone probable cause, to believe the women in question were using cocaine. They determined that "the reasonable expectation of privacy enjoyed by the typical patient undergoing diagnostic tests in a hospital is that the results of those tests will no be shared with nonmedical personnel without [her] consent." The Court acknowledged that there were certain laws requiring disclosure, but agreed that "surely they would not lead a patient to anticipate that hospital staff would intentionally set out to obtain incriminating evidence from their patients for law enforcement purposes." The decided that "the immediate objective of the searches (the drug screening) was to generate evidence for law enforcement purposes" and that purpose was no permissible.

The Court referred the case back to the lower court for further decision on the issue of consent.

Texas v. Cobb, 532 U.S. 162, 121 S.Ct. 1335 (2001)

FACTS: In December, 1993, Owings reported that his home in Walker County, Texas, had been burglarized, and that his wife, Margaret, and their daughter, Kori Rae, were missing. Acting on a tip, deputies questioned a neighbor, Raymond Cobb, about the crime, but he denied any knowledge.

Two years later, in 1994, after being arrested for an unrelated crime, Cobb was again questioned about the crime. He gave a written confession about the burglary, but again denied any knowledge of the two missing people. He was indicted for the burglary and received court-appointed counsel.

With the permission of his attorney, Cobb was questioned twice more about the disappearances, and continued to deny involvement.

In 1995, while free on bond for the burglary charge, Cobb was living with his father. His father contacted the Walker County Sheriff's Office and stated that Cobb had confessed to killing Margaret Owings during the course of the burglary. He later gave a written statement to that effect. Walker County took a warrant for Cobb and sent it to the Odessa police, who took Cobb into custody. The police administered Miranda warnings, and Cobb waived his rights. He confessed to both of the murders, stating that he killed the mother, dragged her body to the woods, and then returned to pick up the toddler. He dug a hole and buried them both, the toddler having fallen into the hole during that time. The bodies were later recovered from the location he indicated.

Cobb received a death sentence in the crime. He appealed, arguing that it was improper for him to be questioned when he had court-appointed counsel who should have been consulted before he was questioned, particularly in that the two cases were "factually related."

The confession was held inadmissible in the state appeal. The State sought federal review on the basis of the Sixth Amendment.

ISSUE: Does the Sixth Amendment right to counsel extend to crimes that are factually related to those that have actually been charged?

HOLDING: No

DISCUSSION: The Court reflected back on several cases, and concluded that while they have recognized, in Blockburger v. U.S., 284 U.S. 299 (1932) that the definition of an offense is not limited to the "four corners of the charging document," the test is similar to the comparison used in double jeopardy, that "the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not." In this case, since burglary and murder are clearly separate offenses, although both related to the same incident, the Court found that it was not inappropriate for the officers to question the suspect about the

murder, while under pending charges for the burglary.

Atwater v. City of Lago Vista, 532 U.S. 318, 121 S.Ct. 1536 (2001)

FACTS: In March, 1997, Gail Atwater was driving her pickup truck, with her 3-year-old son and 5-year-old daughter also in the front seat. Neither Atwater nor the children were restrained.

Officer Turek observed the violations and pulled the vehicle over, permissible under Texas law. According to Atwater (and unrefuted in the record), Turek yelled that they had met before and "you're going to jail." He called for backup and asked for Atwater's operator's license and insurance, both of which she was required to carry. She stated that she did not have the papers because her purse had been stolen the day before. Turek arrested, handcuffed and transported Atwater to jail. There she was searched, booked, photographed and placed in a cell.

About an hour later, Atwater posted bond and was released. She was charged with driving without a seatbelt, transporting children without a seatbelt, driving without a license and failing to provide proof of insurance. Eventually, she pled guilty to the seatbelt offenses; the other charges were dismissed.

Atwater and her husband filed suit claiming that an arrest for a first-time minor offense was unreasonable.

ISSUE: Does the Fourth Amendment limit an officer's authority to make a warrantless arrest for minor criminal offenses?

HOLDING: No

DISCUSSION: The Court found that all 50 states and the District of Columbia authorized at least some warrantless misdemeanor arrests by peace officers. While the Court agreed that the situation in Atwater's case might not have warranted the arrest, they declined to forbid warrantless arrests for minor crimes that would only result in a fine. The Court stated that the distinction between jailable and fine-only offenses is often a distinction that an officer on the street may not be able to make, as it may turn on the weight of a parcel of marijuana or whether an offense is a first or subsequent offense.

The Court stated that "there is a world of difference between making that judgment in choosing between the discretionary leniency of a summons in place of a clearly lawful arrest, and making the same judgment when the question is the lawfulness of the warrantless arrest itself…the standard of probable cause applie[s] to all arrests, without the need to balance the interests and circumstances involved in particular situations."

NOTE: Kentucky officers should note that the provisions of KRS 431.015(1) and (2) does not allow a custodial arrest in a violation unless there is reason to believe the defendant will not appear in court, or unless the case involves one the listed offenses where arrest is permitted.

Arkansas v. Sullivan, 532 U.S. 769, 121 S.Ct. 1876 (2001)

FACTS: In November, 1998, Officer Taylor, Conway Police Department, stopped Sullivan for speeding and an improperly tinted windshield. When Sullivan gave Taylor his operator's license, Taylor recognized the name and realized he might be involved in narcotics. When Sullivan opened his car door, searching for his registration and insurance papers, Taylor saw a rusted roofing hatchet on the floorboard. Taylor then arrested Sullivan for the initial two charges, failure to produce insurance and registration and carrying a weapon.

After another officer arrived to secure Sullivan, Taylor conducted an inventory search of Sullivan's vehicle pursuant to policy. He found a bag of methamphetamine and paraphernalia in the car, and additional drug charges were placed.

Sullivan asked for suppression of the evidence, stating that the arrest was merely a pretext to search him and the trial court agreed. The Arkansas Supreme Court affirmed the trial court, despite the prosecution arguing that Whren v. U.S., 517 U.S. 806 (1996) makes the "ulterior motives of the police officers … irrelevant so long as there is probable cause for the traffic stop." The Arkansas Supreme Court stated its belief that "there is nothing that prevents this court from interpreting the U.S. Constitution more broadly than the United States Supreme Court, which has the effect of providing more rights."

ISSUE: May a state court interpret the U.S. Constitution more broadly (by offering greater protections) than the U.S. Supreme Court?

HOLDING: No

DISCUSSION: The Supreme Court stated that the Arkansas decision "cannot be squared with" the Whren decision. Quoting the earlier decision in Oregon v. Hass, 420 U.S. 714, 719 (1975), the Court stated that "a State is free as a matter of its own law, to impose greater restrictions on police activity than those this Court holds to be necessary upon federal constitutional standards," but that it "may not impose such greater restrictions as a matter of federal constitutional law when this Court specifically refrains from imposing them."

Kyllo v. U.S. , 533 U.S. 27, 121 S.Ct. 2038 (2001)

FACTS: In 1991, Agent Elliott of the U. S. Dept. of the Interior began to suspect that Kyllo was growing marijuana in his triplex house in Florence, Oregon. Because growing marijuana indoors requires the use of high-intensity lighting, he elected to use a thermal imager to scan the house. Thermal imaging units detect infrared radiation, "heat", and display it as an image based upon relative warmth in an area. The scan, done from a vehicle across the street from the front and then the back of the house, indicated that the garage roof

and a side wall of the house were relatively hot compared to the rest of the house and considerably warmer than the neighboring homes. The agent concluded that Kyllo was using grow lights. Based on tips, utility bills and the results of the scan, Elliott requested and received a federal search warrant of the house and found an indoor growing operation involving more than 100 marijuana plants.

Kyllo requested a suppression of the evidence, and was denied. He entered a conditional guilty plea and filed this lawsuit. The appellate court remanded the case back to the District Court for an evidentiary hearing concerning the intrusiveness of the thermal imaging device, and the District Court upheld the validity of the search warrant. The appellate court eventually (after a change in the composition of the court) affirmed the District Court opinion, holding that Kyllo had no subjective expectation of privacy because he made no effort to conceal the heat escaping from the home. The Court also stated that the imaging device "did not expose any intimate details of Kyllo's life …."

ISSUE: Is there a reasonable expectation of privacy in the heat escaping from a residence?

HOLDING: Yes

DISCUSSION: The Court explored the issue of appropriate surveillance, and noted that the Court had "previously reserved judgment as to how much technological enhancement of ordinary perception from a vantage point, if any, is too much." The Court stated that the question to be dealt with "is what limits there are upon this power of technology to shrink the realm of guaranteed privacy." The Court continued, stating that "obtaining by sense-enhancing technology any information regarding the interior of the home that could not otherwise have been obtained without physical 'intrusion into a constitutionally protected area' constitutes a search – at least where (as here) the technology is not in general public use." In this case, the Court stated that it "must take account of more sophisticated systems that are already in use or in development." The Court took pains to distinguish this opinion from Dow Chemical, which "involved enhanced aerial photography of an industrial complex, which does share the Fourth Amendment sanctity of the home."

Finally, the Court held that the line must be that when "the Government uses a device that is not in general use, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search' and is presumptively unreasonable without a warrant."

This case effectively overrules LaFollette v. Commonwealth, 915 S.W.2d 747 (1996), which held that a FLIR (Forward-Looking Infrared) may be used to detect heat waste emanating from a residence, and that such information may be used to support a warrant.

Saucier v. Katz, 533 U.S. 194, 121 S.Ct. 2151 (2001)

FACTS: In the fall of 1994, Vice President Al Gore, Jr. was a speaker at the conversion of the Presidio Army Base in San Francisco to a national park. One of the attendees was Elliott Katz, the president of a group called In Defense of Animals. Katz was present to protest the Army's hospital's use of animals in experiments. He brought with him a large cloth banner that read "Please Keep Animal Torture Out of Our National Parks." As he was aware that other members of the public had been prevented from protesting in the past, he concealed the banner inside his coat as he entered.

Katz seated himself in the front row of the public seating area, which was separated from the speakers' platform by a waist-high barricade. As the Vice President began to speak, Katz unfolded the banner and approached the barricade.

Saucier was a military police officer who was on duty at the event. He had been warned that Katz (among others) was potentially a protester. As Katz approached the barricade, Saucier and Parker (another officer) moved to intercept him. As he draped the banner, the two officers grabbed him from behind, took the banner, and escorted him from the area, half-walking and half-dragging. He was taken to a nearby van and placed (Katz claimed shoved) inside, and was then driven to the military police station. He was eventually released.

Katz initiated the lawsuit, and the District Court granted Saucier summary judgment on all claims other than the claim of excessive force. The District Court held there was a dispute on the appropriate use of force, and allowed that claim to proceed. Saucier appealed that decision to the appellate court. The Court of Appeals affirmed, first finding that the law governing use of force was clearly established at the time of the incident. They then proceeded to the second step of a qualified immunity determination, whether the officer was reasonable in believing the conduct to be lawful. The Court concluded that the "second step of the qualified immunity inquiry and the merits of the Fourth Amendment excessive force claim are identical, since both concern the objective reasonableness of the officers conduct in light of the circumstances the officer faced at the scene." The Court denied the summary judgment on qualified immunity.

ISSUE: Is there a difference in the criteria for qualified immunity in excessive force cases (as opposed to other Fourth Amendment lawsuits)?

HOLDING: No

DISCUSSION: Qualified immunity is an "entitlement not to stand trial." As such, a qualified immunity determination occurs at the outset of a lawsuit, because if it is granted, the case is over. The privilege is an immunity from suit altogether, not simply a defense to be litigated in the

course of the lawsuit. The first inquiry for a court in a qualified immunity determination must consider – "[T]aken in the light most favorable to the party asserting the injury, do the facts alleged show the officers conduct violated a constitutional right?" If there is no constitutional violation, the case is deserving of summary judgment. Only if the decision is against the officer in the first is it necessary to proceed to the second inquiry – even if the officer violated the Constitution, was the officer's mistaken conduct reasonable? If so, the officer is entitled to qualified immunity.

The Court examined how Graham v. Connor, 490 U.S. 386 (1989), the precedent excessive force case, interacts with the qualified immunity issue. The Court stated "[T]he concern of the immunity inquiry is to acknowledge that reasonable mistakes can be made as to the legal constraints on particular police conduct." The Court realized that it would often be difficult for an officer on the scene to "determine how the relevant legal doctrine … will apply to the factual situation the officer confronts." The Court went on to say that "[A]n officer might correctly perceive all of the relevant facts but have a mistaken understanding as to whether a particularly amount of force is legal under the circumstances." If the mistake is a reasonable one, the officer is still entitled to qualified immunity. The Court also stated that Graham could not give a precise answer as to whether a particular use of force will be deemed excessive, because it "is the nature of a test which must accommodate limitless factual circumstances."

For the Court, this served to prove Katz's claim of a difference between excessive force cases and other Fourth Amendment cases. Finally, the Court stated that "[O]fficers can have reasonable, but mistaken, beliefs as to the facts establishing the existence of probable cause or exigent circumstances, for example, and in those situations courts will not hold that they have violated the Constitution." However, even if they were found to have violated the Constitution by an improper action, the qualified immunity provided by Anderson v. Creighton, 483 U.S. 635 (1987) "still operates to grant officers immunity for reasonable mistakes as to the legality of their actions." The Court concluded, stating "[E]xcessive force claims, like most other Fourth Amendment issues, are evaluated for objective reasonableness based upon the information the officers had when the conduct occurred."